

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

THOMAS A. GREEN	:	CIVIL ACTION NO. 1:13-CV-827
	:	
Petitioner	:	(JUDGE KANE)
	:	(Magistrate Judge Schwab)
v.	:	
	:	
JOHN KERESTES	:	
	:	
Respondent	:	

ORDER

Before the Court in the captioned action is a November 20, 2013 Report and Recommendation of the Magistrate Judge. No timely objections have been filed.

Accordingly, on this 13th day of December 2013, upon review of the record and the applicable law, **IT IS HEREBY ORDERED THAT:**

- 1) The Court adopts the Report and Recommendation of Magistrate Judge Schwab.
- 2) The Petition for a Writ of Habeas Corpus (Doc. No. 1), filed pursuant to 28 U.S.C. § 2254 is **DISMISSED AS UNTIMELY**.
- 3) The Motion to Dismiss (Doc. No. 6) is **GRANTED**.
- 4) The Motion to Appoint Counsel (Doc. No. 10) is **DENIED** and finding that there is no probable cause to issue a certificate of appealability.

IT IS FURTHER ORDERED THAT the Clerk of Court shall close the file.

s/ Yvette Kane

YVETTE KANE, Judge
United States District Court
Middle District of Pennsylvania